

CHAPTER NO. 497

HOUSE BILL NO. 1446

By Mr. Speaker Naifeh and Representative Hargrove

Substituted for: Senate Bill No. 1513

By Mr. Speaker Wilder

AN ACT to amend Tennessee Code Annotated, Section 3-10-105; Section 3-10-107; Section 3-7-110 and Title 3, Chapter 14, relative to creation of the Office of Legislative Budget Analysis.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 3 Chapter 14, is amended by adding Sections 2 through 5 as a new part.

SECTION 2. (a) There is created the Office of Legislative Budget Analysis, which has the duty to:

(1) Conduct detailed analyses of the State's budget and its content including recommended appropriations, expenditures, revenues, work programs, recommended appropriations for capital projects, recommended improvements, recommended carry-over appropriations, recommended supplemental appropriations, and other aspects of the budget, and shall review and report on such items as the status of the reserve account for revenue fluctuations, the amount of state-bonded indebtedness, and the status and condition of the financing of state programs;

(2) Assist the Speakers in reviewing and analyzing the State Funding Board reports of the estimated rate of growth of the State's economy;

(3) Conduct detailed analyses of the impact of complex legislation and summarize the short-term and long-term impact of such legislation on the State's budgeting and financing methods and sources;

(4) Examine and make recommendations on the short term and long-term effect of public policy decisions of the General Assembly and make recommendations for changes in overall public policy designed to bring about efficiencies and economies;

(5) Assist members and committees of the General Assembly with budget analysis; and

(6) Perform such other duties as may be assigned by the Speakers.

(b) It shall also be the duty of the Office of Legislative Budget Analysis to jointly monitor federal grants and information management responsibility with the Fiscal Review Committee in accordance with the provisions of Tennessee Code Annotated, Section 3-7-110. The monitoring and information management responsibility shall be administered by one (1) staff person in the Office of Legislative Budget Analysis and one (1) staff person from the staff of the Fiscal Review Committee. The staff of the Fiscal Review Committee and the Office of Legislative Budget Analysis shall jointly monitor, analyze, and manage information concerning federal grants programs, including, but not limited to,

social services grant funds, in order to inform members of the General Assembly concerning such grants. The directors of the staff of the Fiscal Review Committee and of the Office of Legislative Budget Analysis shall jointly make such reports as are appropriate to the Speakers of the House of Representatives and of the Senate and to the Fiscal Review Committee.

(c) The Office of Budget Analysis shall not propose a General Appropriations Bill.

SECTION 3. (a) To aid the Office of Legislative Budget Analysis, the staff of the Comptroller of the Treasury and the Fiscal Review Committee shall furnish such assistance as may be required. The office may also call on the staff of the other legislative staff offices for advice and assistance as required.

(b) In carrying out the responsibilities of the office, the office shall call upon the Executive, Legislative, and Judicial Departments and agencies of state government for such information as the office requires, and it is the duty of such agencies and departments to furnish promptly the desired information.

(c) The Commissioner of Revenue shall provide the director with the monthly revenue collections report published by the Department of Revenue. The Commissioner of Finance and Administration shall provide the Office of Legislative Budget Analysis with access to the state accounting system for the purpose of monitoring allotments, expenditures, and revenue collections of state agencies.

(d) The Commissioner of Personnel shall provide the Office of Legislative Budget Analysis a monthly listing of personnel positions that have been overlapped for ninety (90) days or more. The Commissioner of Finance and Administration shall provide to the Office of Legislative Budget Analysis summaries which revise the funding recommendations and personnel summaries contained in the budget document to conform with the General Appropriations Act, other general acts of the General Assembly, and any other actions which affect the level of departmental or other such revenue.

(e) The Commissioner of Education shall provide to the Office of Legislative Budget Analysis the revised BEP funding formula for the ensuing fiscal year no later than January 1 of each year.

(f) The governing boards of the University of Tennessee System and the State University and Community College System shall provide to the Office of Legislative Budget Analysis both the original proposed operating budget submitted to the Tennessee Higher Education Commission and the revised operating budget no later than March 1 of each year.

(g) The Tennessee Higher Education Commission shall provide to the Office of Legislative Budget Analysis the revised higher education funding formula for the ensuing fiscal year no later than December 1 of each year.

(h)(1) The Commissioner of Finance and Administration shall give the Office of Budget Analysis as much advance notice as possible of any meeting, hearing or conference to inform staff of the General Assembly of the substance of the executive budget prior to submission of such budget to the General Assembly, and shall give the office an opportunity to be represented at such meeting, hearing or conference.

(2) The Commissioner of Finance and Administration shall furnish to the Office of Legislative Budget Analysis contemporaneous copies of all information provided to the

fiscal review committee in accordance with the provisions of Tennessee Code Annotated, Section 3-7-104. In addition, the Commissioner of Finance and Administration shall furnish to the Office of Legislative Budget Analysis changes to the work program including, but not limited to, expansions and revisions. Such revisions and expansions may be provided in written or electronic format.

SECTION 4. The Joint Legislative Services Committee shall appoint, subject to the approval of the Speaker of the Senate and the Speaker of the House of Representatives, a Director of the Office of Legislative Budget Analysis who shall be a graduate of an accredited college or university, shall have five (5) or more years of experience in the field of state budget analysis and review, and shall have such training or practical experience in government as may be deemed necessary to perform the duties of the office. The Director of the Office of Legislative Budget Analysis and other personnel shall be chosen without reference to party affiliation but solely on the basis of fitness to perform the duties of the office. The director shall serve at the pleasure of the committee. The committee shall determine the compensation of the director, while the compensation of other personnel shall be determined by the committee upon recommendation of the director. Personnel shall be employed on recommendation of the director with the approval of the speakers. The Office of Legislative Budget Analysis shall be the successor office to the existing Office of Legislative Budget Analysis and the director, all personnel, office furnishings, office equipment and supplies in use by the existing Office of Legislative Budget Analysis shall be transferred to the office created by the provisions of this act and such director and staff shall be the director and staff of the office created by the provisions of this act.

SECTION 5. Suitable office space and facilities shall be provided in Nashville convenient to the General Assembly.

SECTION 6. Tennessee Code Annotated, Section 3-10-105(a), is amended by inserting the language "Office of Legislative Budget Analysis" immediately following the language "Legislative Administration,".

Tennessee Code Annotated, Section 3-10-107(b), is amended by inserting the language "Office of Legislative Budget Analysis" immediately following the language "Legislative Administration,".

SECTION 7. Tennessee Code Annotated, Section 3-10-107(b), is amended by deleting the language "nine (9)" in the first sentence and by substituting instead the language "ten (10)".

Tennessee Code Annotated, Section 3-10-107(b), is further amended by inserting the language "Office of Legislative Budget Analysis" immediately following the language "Legislative Administration,".

SECTION 8. Tennessee Code Annotated, Section 3-7-110, is amended by deleting the language "Legislative Budget Office" wherever it appears and by substituting instead the language "Office of Legislative Budget Analysis".

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 27, 1999



JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of June 1999



DON SUNDQUIST, GOVERNOR